



International Tribunal for the
Prosecution of Persons Responsible
for Serious Violations of International
Humanitarian Law Committed in the
Territory of The Former Yugoslavia
since 1991

Case No.: IT-04-74-T
Date: 13 July 2006
Original: ENGLISH
French

IN TRIAL CHAMBER III

Before: Judge Jean-Claude Antonetti
Judge Árpád Prandler
Judge Stefan Trechsel

Registrar: Mr Hans Holthuis

Decision of: 13 July 2006

THE PROSECUTOR

v.

**Jadranko PRLIĆ
Bruno STOJIĆ
Slobodan PRALJAK
Milivoj PETKOVIĆ
Valentin ĆORIĆ
Berislav PUŠIĆ**

**DECISION ON THE PRINCIPLES FOR RECORDING
THE USE OF TIME DURING HEARINGS**

The Office of the Prosecutor:

Mr Kenneth Scott
Mr Daryl Mundis

Defence Counsel:

Mr Michael Karnavas and Ms Suzana Tomanović for Jadranko Prlić
Ms Senka Nožica and Mr Peter Murphey for Bruno Stojić
Mr Božidar Kovačić and Ms Nika Pinter for Slobodan Praljak
Ms Vesna Alaburić for Milivoj Petković
Ms Dijana Tomašegović-Tomić for Valentin Ćorić
Mr Fahrudin Ibrišimović and Mr Roger Sahota for Berislav Pušić

TRIAL CHAMBER III (“Chamber”) of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (“Tribunal”);

NOTING the Chamber’s “Revised Version of the Decision Adopting Guidelines on Conduct of Trial Proceedings” rendered on 28 April 2006 (“Decision of 28 April 2006”) whereby the Chamber requested the Office of the Prosecutor (“Prosecution”) to complete its presentation of evidence within one year and allocated the Prosecution a maximum of 400 hours to present its evidence, including both examination-in-chief and re-examination;¹

NOTING the Chamber’s oral decision of 8 May 2006 (“Decision of 8 May 2006”) whereby the Chamber decided, inter alia, that the total time used for cross-examination by Counsel of the six accused shall not, in principle, exceed the time used by the Prosecution for its examination-in-chief;²

CONSIDERING that in its Decision of 28 April 2006, the Chamber stated that:

“A system for monitoring the use of time shall be established by the Registry, which will be responsible for recording time used: (a) by the Prosecution for its examination-in-chief; (b) by each of the Defence /Counsel/ for cross-examination; (c) by the Prosecution for re-examination; (d) by the Judges for putting questions to witnesses; and (e) for all other matters, including procedural matters. Regular reports on the use of time shall be compiled by the Registry in conjunction with the Chamber, which shall be provided periodically to the parties. The Chamber shall continually monitor the use of time, and may make further orders, as it considers necessary, concerning time used by the Prosecution or the Defence.”³

CONSIDERING that the Chamber now deems it necessary, in view of excessive use of time, to lay down rules for computing the time used by the parties during hearings and providing reports to the parties on the use of time;

¹ Decision of 28 April 2006, para. 7 and guideline I(a).

² Decision of 8 May 2006, Transcript (English), p. 1476.

³ Decision of 28 April 2006, para. 6 and guideline I(b).

FOR THE FOREGOING REASONS,

PURSUANT TO Article 20(1) of the Statute and Rules 54 and 90(F) of the Rules of Procedure and Evidence;

ADOPTS the attached guidelines for computing the time used during hearings and providing regular reports to the parties on the use of time.

Done in French and in English, the French version being authoritative.

/signed/

Judge Jean-Claude Antonetti

Presiding Judge

Done this thirteenth day of July 2006

At The Hague

The Netherlands

[Seal of the Tribunal]

Annex

Guidelines for computing the time used during hearings and providing regular reports to the parties on the use of time

1. The Registry shall record the time used:
 - a) by the Prosecution for its examination-in-chief;
 - b) by each of the Defence /Counsel/ for cross-examination;
 - c) by the Prosecution for re-examination;
 - d) by the Judges for putting questions to witnesses;
 - e) for procedural matters arising from the examination of a witness; and
 - f) for any other matter.

2. Time used by the Prosecution for its examination-in-chief and re-examination shall include the time used for the examination of the witness.

3. Time used by the Defence for each accused for cross-examination shall include the time used for the examination of the witness by the Defence for each accused or by the accused himself.

4. Time used by the Judges for putting questions to witnesses shall include the time used for the examination of the witnesses.

5. Time used for procedural matters arising from the examination of a witness shall include:
 - time used for the admission of evidence; and
 - time used for dealing with objections.

6. Time used for any other matter shall include the time used for matters other than those arising from the examination of a witness, such as:
 - the representation of the accused by Counsel;
 - the health of the accused;
 - the filing of submissions by the parties;
 - the time-monitoring system, including the computation and recording of time;
 - the scheduling of hearings and the arrangements for questioning witnesses;
 - the time needed to implement protective measures; and

- major technical problems.
7. The Registry shall keep a record of the time used during hearings in accordance with the above guidelines. Such record shall be provided to the parties by the Registry on a monthly basis.